

REMARKS

I. Rejections Under 35 U.S.C. § 112, second paragraph

In the Office Action, the Examiner rejected Claims 1-20 based on 35 U.S.C. §112, second paragraph, based on the limitation "said flexible bladder" in Claims 1 and 16 and "said seal" in Claim 7. Applicant notes the cancellation of Claim 7. In response to the Examiner's rejection, Applicant has changed the term "said flexible bladder" in Claims 1 and 16 to "said flexible vehicle fluid container." Applicant submits that this rejection is now overcome.

II. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, Claims 1-4, 6-10, 13, and 16-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Rai. In order to expedite the prosecution of this application, Applicant has canceled Claims 6-7 and 9-10 without prejudice or disclaimer. Applicant respectfully submits that, as amended, Claims 1-4, 8, 13 and 16-18 are patentably distinguishable over Rai. Applicant further submits that new Claims 21-23 are also not anticipated by this reference.

Addressing first Claims 1-4, 8, 13 and 16, Applicant has amended independent Claims 1 and 8 to more positively recite the features of the claimed invention. In this regard, the amended claims clarify that the flexible vehicle fluid container has an "integral" nozzle. This combination of features is not shown in Rai.

In this regard, Applicant notes that Rai is directed to a funnel dispenser that has an "open top 18" into which a liquid-containing pouch or flexible container is inserted. A spike 22 located at the bottom of the funnel pierces the flexible pouch, permitting the

fluid contained therein to exit the dispenser. It can be seen from this description that the pouch that is inserted into the funnel dispenser does not have an integral nozzle. Instead, dispensing of fluid from the pouch requires the insertion of the pouch into a second apparatus – the funnel dispenser – and the piercing of the pouch with the spike 22. The flexible vehicle fluid container of the present invention eliminates the need for the separate funnel dispenser. (Also, this design permits the use of an attachment device, to permit the direct attachment of the container to an object for dispensing purposes, such as a vehicle hood or mobile carrier. *See* Claims 13-15.)

Moreover, it should be noted that for certain types of vehicle fluids, for example brake fluid, exposure to the air of the type that would occur in the Rai system can lead to contamination of the fluid. The claimed design avoids this problem by permitting the vehicle fluid to be dispensed from the flexible container, via the integral nozzle, through the hose, and into the appropriate location on the vehicle – without the kind of exposure that would occur when the pouch of Rai is pierced by the spike.

With respect to new Claims 21-23, Applicant notes that these are directed to a flexible vehicle fluid container having a flat bottom, so that the container can be displayed in an upright orientation. There is no disclosure in Rai of such a feature. Moreover, Claim 23 further recites the feature of a bendable gooseneck proximate the nozzle, which permits more efficient and cleaner pouring from the container, and which is also not shown in Rai.

Accordingly, Applicants respectfully submit that Claims 1-4, 8, 13, 16-18, and 21-23 are patentably distinguishable over Rai.

III. Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected Claims 5 and 19 as being unpatentable over Rai in view of Powell, and Claims 11-15 and 20 as being unpatentable over Rai in view of Gatzke. In response, Applicant notes the amendment of independent Claims 1 and 8, discussed above, with respect to the feature of an integral nozzle.


The provision of the Powell valve on the hose of Rai, as suggested in the Office Action, would still not eliminate the need for a separate funnel dispenser. As noted above, the provision of an "integral" nozzle, on the flexible vehicle container, eliminates such a need. The same observation can be made with respect to the Gatzke reference – it also would no eliminate the need for the funnel dispenser.

In conclusion, Applicant respectfully submits that this Amendment, including the amendments to the Specification and claims and in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered in the Office Action. Applicants therefore earnestly solicit the issuance of a Notice of Allowance with respect to Claims 1-5, 8, and 11-23.

If there are any additional fees incurred by this Amendment, please deduct them from our Deposit Account No. 23-0830.

Respectfully submitted,

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